

### **REMARKS/ARGUMENTS**

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). With this Amendment, Applicant amends claims 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15 and 16 and adds new claims 18-31. No new matter is added. Accordingly, claims 1-6 and 9-31 are all the claims currently pending in the application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

#### **I. Rejection of Claims 1, 2, 5, 10-12 & 14-17 Under 35 U.S.C. § 103(a)**

Claims 1, 2, 5, 10-12 and 14-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McCallum (U.S. Patent No. 5,784,635; hereinafter “McCallum”) in view of Wiggins (U.S. Patent Appln. Publn. No. 2002/0120473; hereinafter “Wiggins”).

In contrast to amended independent claim 1, McCallum and Wiggins, taken individually or in combination, are altogether silent and do not teach or suggest at least an apparatus comprising a processor configured to: (A) *produce one or more metrics* from a plurality of data points representing data from insurance claims in which at least *one of the metrics* comprises data identifying *a threshold value* associated with the insurance claims that are monitored on a *real-time basis* and specifies an alertable condition; and (B) *analyze data of the insurance claims on a real-time basis* and determine *a value on the basis of the analyzed data* and *compare the value with the threshold value* and in an instance in which the *value is below the threshold value*, *generate an alert* that is sent to a device.

In contrast to claim 1, nowhere in any portion of the combination of McCallum and Wiggins is there any mention, teaching or suggestion relating to any apparatus that analyzes data of insurance claims on a real-time basis and determines a value on the basis of the analyzed data such that the determined value is compared with a threshold value of a metric that is associated with the insurance claims and specifies an alertable condition, as recited by amended claim 1. And there certainly is no mention, teaching or suggestion in the combination of McCallum and Wiggins relating to any apparatus that compares the determined value with the threshold value of the metric and in an instance in which the determined value is below the threshold value, generates an alert that is sent to a device, as recited by amended claim 1. Rather, McCallum,

alone or in combination with Wiggins, is altogether silent and does not contemplate at least these features of claim 1.

Based on at least the foregoing reasons, the combination of McCallum and Wiggins is deficient and does not teach or suggest all of the features of amended claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claim 1 and its dependent claims 2, 5 and 17.

Since independent claims 10, 12, 14, 15 and 16 contain features that are in some respects analogous to the features of claim 1, Applicant submits that independent claim 10 and its dependent claim 11 as well as independent claims 12, 14, 15 and 16 are patentable at least for reasons analogous to those submitted for claim 1.

## **II. Rejection of Claims 3, 4, 6 & 13 Under 35 U.S.C. § 103(a)**

Claims 3, 4, 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over McCallum, Wiggins and further in view of Pish (U.S. Patent Appln. Publ. No. 2002/0120473; hereinafter "Pish"). Applicant traverses this rejection for at least the following reasons.

As discussed above, the combination of McCallum and Wiggins is deficient vis-à-vis independent claims 1 and 12, and Pish does not make up for the deficiencies of the combination of McCallum and Wiggins and is not cited for such. Accordingly, claims 3, 4, 6 and 13 are patentable at least by virtue of their respective dependencies from claims 1 and 12. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 3, 4, 6 and 13.

## **III. New Claims**

Applicant herein adds new claims 18-31 in order to more fully cover various aspects of Applicant's invention as disclosed in the specification. In addition to their respective dependencies from independent claims 1, 10, 12, 14, 15 and 16, claims 18-27 should be allowable because the cited references, alone or in combination, do not teach or suggest the recitations of claims 18-27.

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Since new independent claim 28 contains features that are in some respects analogous to the features of claim 1, Applicant submits that independent claim 28 and its dependent claims 29-31 are patentable at least for reasons analogous to those submitted for claim 1.

#### **IV. Conclusion**

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Rapillo is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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